

## REMARKS

Applicant has reviewed and considered the Office Action mailed on February 28, 2006, and the references cited therewith.

Claims 1, 3, 5, 7-10, 13-14, 19-24, 27, 29-31, and 34-36 are amended and no claims canceled or added; as a result, claims 1-36 are still pending in this application.

### S102 Rejection of the Claims

Claims 1-3, 5, 7-12, 14-16, 18, 19, 21-23, and 28-30 were rejected under 35 USC § 102(b) as being anticipated by Smith (U.S. 2003/0025603).

“Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, *arranged as in the claim.*” *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984) (emphasis added) “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claim 1 is an independent claim directed to a method for operating a wireless device. More specifically, the method comprises: (a) receiving a wireless signal from a wireless body appliance being worn by a user that indicates that said user has been authenticated; (b) determining, after receiving said wireless signal, whether said user is within a predetermined distance of the wireless device; and (c) when said user is within said predetermined distance of said wireless device and said user is not logged in to said wireless device, automatically logging said user in to said wireless device.

Smith describes a master authenticator 10 that may be worn by a user (see paragraph 0006, lines 6-10 and Fig. 2 of Smith). The master authenticator includes a sensor 12 to determine or sense whether or not the user is wearing the authenticator (see paragraph 0006, lines 10-12). If the sensor 12 indicates that the user is properly wearing the master authenticator 10, then the user is permitted to log in to the master authenticator 10 (see paragraph 0006, lines 16-18 and item 22 of Fig. 2). If the sensor 12 does not indicate that the user is wearing the master authenticator 10, then the log in is denied or not permitted (see paragraph 0006, lines 18-20 and item 24 of Fig. 2). Once a successful log in has been accomplished, a transmitter within

the master authenticator 10 is authorized by the log in means to transmit information (see paragraph 0007, lines 28-31 and items 30 and 40 of Fig. 2). The transmitter within the master authenticator 10 is operative for transmitting information associated with the user to an electronic device that is within the vicinity of the user (see paragraph 0007, lines 1-4). The phrase “in the vicinity” means within a range of 5-100 feet of the master authenticator (see paragraph 0007, lines 4-5). After the transmission has been authorized, the master authenticator 10 monitors the area immediately surrounding the user to determine whether a compatible electronic device capable of receiving the transmitted information is present (see paragraph 0007, lines 34-37 and item 50 of Fig. 2). If a compatible electronic device is present, then the information is transmitted from the master authenticator 10 (see paragraph 0007, lines 37-38 and items 52 and 60 of Fig. 2).

If the electronic device is a PDA that uses the Bluetooth protocol, a software application may reside on the PDA that is tied to security functionality (see paragraph 0011, lines 18-20). When attempting to turn on the PDA, the software may send out a query to determine if the master authenticator in its database is present and logged on (see paragraph 0011, lines 20-24). If so, the PDA continues uninterrupted (see paragraph 0011, line 24).

Smith does not disclose, nor does it suggest, “determining, after receiving said wireless signal, whether said user is within a predetermined distance of the wireless device” and “when said user is within said predetermined distance of said wireless device and said user is not logged in to said wireless device, automatically logging said user in to said wireless device” as recited in claim 1. The Applicant cannot find any teaching within Smith where a determination is made of whether a user is within a predetermined distance of a wireless device. The Examiner refers to the “5-100 feet” from paragraph 0007 of Smith, but this is referring to the range of the transmitter within the master authenticator 10 and not a determination of whether the user is within a predetermined distance of the wireless device. The Examiner also mentions the query sent to the PDA described in paragraph 0011 of Smith when discussing the determination element of claim 1. It is believed that the Examiner may be taking the position that the determination of whether the user is within a predetermined distance of the wireless device is taking place in Smith based on whether or not a response is received to the query at the PDA (e.g., if a response is received, the master authenticator is within range and if a response is not

received than the master authenticator 10 is not within range). However, the query and response is not performed after a signal is received from the master authenticator 10 that indicates that the user has been authenticated, as required by amended claim 1. On the contrary, the response to the query is the signal that indicates whether the user has been authenticated in paragraph 0011 of Smith. Thus, Smith does not disclose all of the limitations of claim 1.

Based on the foregoing, claim 1, as amended, is not anticipated by Smith. Reconsideration and allowance of claim 1 is therefore respectfully requested. Similar arguments apply to independent claim 29.

Claim 7 is an independent claim directed to a wireless body appliance. More specifically, the wireless body appliance comprises: (a) at least one biometric sensor to measure biometric information from a user wearing said wireless body appliance; (b) a biometric authentication unit to determine whether said user is an authorized user associated with said body appliance, based on said biometric information; and (c) a wireless transmitter to transmit a signal indicating that said user has been authenticated when said biometric authentication unit determines that said user is an authorized user; wherein said at least one biometric sensor includes at least one of the following: a retinal scanner, a body chemistry sensor, a skin texture sensor, a hand geometry sensor, a heartbeat sensor, a camera.

Smith does not disclose, nor does it suggest, the use of any of the listed biometric sensors within a wireless body appliance (i.e., a retinal scanner, a body chemistry sensor, a skin texture sensor, a hand geometry sensor, a heartbeat sensor, a camera). Thus, Smith does not disclose all of the limitations of independent claim 7.

Based on the foregoing, claim 7, as amended, is not anticipated by Smith. Reconsideration and allowance of claim 7 is therefore respectfully requested.

Claim 15 is an independent claim directed to a wireless device. More specifically, the device comprises: (a) a user interface; (b) a controller to control operation of said wireless device, said controller being in communication with said user interface to accept input from a user and to deliver output to said user; and (c) a wireless transceiver to support wireless communication with at least one other wireless entity; wherein said controller is programmed to: (i) receive an indication that a user has been authenticated by a wireless body appliance being worn by said user, (ii) determine whether said authenticated user is within a predetermined

distance of said wireless device, and (iii) automatically log in said authenticated user to said wireless device when said authenticated user is determined to be within a predetermined distance of said wireless device.

The controller of claim 15 first receives an indication that a user has been authenticated by a wireless body appliance worn by a user and then determines whether the authenticated user is within a predetermined distance of said wireless device. As described previously, Smith does not disclose or suggest making such a determination after an indication has been received that a user has been authenticated. Thus, Smith does not disclose all of the limitations of independent claim 15.

Based on the foregoing, claim 15 is not anticipated by Smith. Reconsideration and allowance of claim 15 is therefore respectfully requested. A similar argument applies to independent claim 32.

Claim 22 is directed to a method for use in a wireless network in which a wireless device communicates with a wireless body appliance being worn by a user. More specifically, the method comprises: (a) identifying one or more events for which the user is to be notified via the wireless body appliance; and (b) when an identified event occurs, transmitting a wireless notification signal to the wireless body appliance to notify the user of the occurrence; wherein said one or more events includes at least one of the following: receiving an email message within the wireless device, receiving an instant message within the wireless device, receiving a facsimile message within the wireless device, receiving an email message from a particular source within the wireless device, receiving an instant message from a particular source within the wireless device, receiving a facsimile message from a particular source within the wireless device, a scheduled task reminder occurring, a scheduled calendar reminder occurring, a change in a calendar, a change in a to-do list, a change in a task list, and a stock price reaching a specified value.

Smith does not disclose, nor does it suggest, providing notification of any of the listed events. Thus, Smith does not disclose all of the limitations of independent claim 22.

Based on the foregoing, claim 22 is not anticipated by Smith. Reconsideration and allowance of claim 22 is therefore respectfully requested.

Claims 2-3 and 5; claims 8-12 and 14; claims 16, 18-19, and 21; claim 23 and 28; and claim 30 are dependent claims that depend either directly or indirectly from independent claims 1, 7, 15, 22, and 29, respectively. Consequently, these claims are allowable for the same reasons as their corresponding base claims. These claims also provide further bases for patentability. For example, claim 3, as amended, further defines the “predetermined distance” of claim 1 as being “less than a wireless range of said wireless body appliance.” Smith does not disclose or suggest such a predetermined distance. As described previously, it is believed that the Examiner may be taking the position that the determination of whether the user is within a predetermined distance of the wireless device (of claim 1) is taking place in Smith based on whether or not a response is received to the query at the PDA (i.e., whether or not the wireless device is within range of the master authenticator). However, if the “predetermined distance” of claim 1 is less than the range of the wireless body appliance, then no such determination is being made in Smith.

Claim 5 adds to the method of claim 1, “when said user is within said predetermined distance of said wireless device and said user is logged in to said wireless device and said wireless device is locked, automatically unlocking said wireless device, wherein a locked wireless device cannot be used by anyone and an unlocked wireless device can be used by a party that is logged in.” Smith does not disclose or suggest the concept of the “locked” device. As described in the specification of the present application at page 7, lines 14-30, if a user wearing a wireless body appliance leaves the area (predetermined distance) of a wireless device that he is logged in to, the device will automatically lock but the user will remain logged in. When the user later returns to the area of the device, the device may be unlocked and the user can use the device without having to repeat the automatic log in procedure. A locked device cannot be used by anyone, including a party that is logged in. An unlocked device, on the other hand, can be used by a party that is logged in. Smith does not disclose or suggest a wireless device being unlocked when a user is both logged in to the wireless device and within a predetermined distance of the wireless device and when the wireless device is locked. Similar arguments apply to claims 19, 30 and 34.

Claim 8 further defines the wireless body appliance of claim 7 as including one of: a glove, a hat, and a wearable telephone. Smith does not disclose or suggest any of these items

being used as a wireless body appliance. Claim 9 further defines the wireless body appliance of claim 7 as including one of: a ring, a locket, a brooch, and a necklace. Smith does not disclose or suggest any of these items being used as a wireless body appliance. Claim 10 further defines the at least one biometric sensor of claim 7 as including N biometric sensors, where N is an integer greater than 1, and further defines the biometric authentication unit of claim 7 as requiring a biometric data match for more than 1 but less than all of the N biometric sensors to determine that a party is authorized. Smith does not disclose or suggest such a requirement. Claim 14 further defines the at least one notification structure of claim 12 as including at least one of: an illumination device, a heating element, and a cooling element. Smith does not disclose or suggest the use of such notification elements within a wireless body appliance.

Claim 21 further defines the controller of claim 15 to be “programmed to send a wireless notification signal to said wireless body appliance when a predetermined event occurs, said wireless notification signal identifying a type of notification structure to be used to notify said user of said predetermined event, wherein said wireless body appliance notifies said user in response to said wireless notification signal.” Smith does not disclose or suggest a wireless notification signal that indicates a type of notification structure to be used by a wireless body appliance to notify a user of an event.

Claim 23 further defines the wireless notification signal of claim 22 as including information identifying one or more types of notification to be used by the wireless body appliance to notify the user. Smith does not disclose or suggest the use of a notification signal that identifies the type of notification to be used by a wireless body appliance.

#### S103 Rejection of the Claims

Claims 4 and 17 were rejected under 35 USC § 103(a) as being unpatentable over Smith (U.S. 2003/0025603) as applied to claims 1 and 15, and further in view of Overy et al. (U.S. 2003/0220765).

“To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success.

Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.” *MPEP* § 2142

Claims 4 and 17 are dependent claims that depend directly from independent claims 1 and 15, respectively. Consequently, these claims are allowable for the same reasons as their corresponding base claims. These claims also provide further bases for patentability. For example, claim 4 further defines “determining whether said user is within a predetermined distance of the wireless device” of claim 1 as including “determining whether a power level being received from said wireless body appliance is above a threshold level.” Neither Smith nor Overy et al., either alone or in combination, disclose or suggest such a determination being made. The Examiner takes the position that Overy et al. discloses “transceiver 21A determining whether the PDA is within a predetermined distance by measuring signal strength (i.e., power level) of the signal receiver from the PDA at steps 33 and 34 (see section [0045]).” The Applicant respectfully disagrees. Item 33 in Fig. 4 indicates that loop delay between the two devices is computed to determine the distance between the devices, not received power level. In addition, section[0045] of Overy et al. states that “measurements of signals strength ... may be used to determine connection order, reduce the distance measurement time or further verify the measured distance,” but this section does not disclose or suggest a determination being made of whether a user is within a predetermined distance of a wireless device by determining whether a power level being received from a wireless body appliance being worn by the user is above a threshold level. A similar argument applies to claim 17.

Claims 6, 20, and 31 were rejected under 35 USC § 103(a) as being unpatentable over Smith (U.S. 2003/0025603) as applied to claims 1, 15, and 29, and further in view of Kawasaki (U.S. 2004/0046638).

Claims 6, 20, and 31 are dependent claims that depend directly from independent claims 1, 15, and 29, respectively. Consequently, these claims are allowable for the same reasons as their corresponding base claims. These claims also provide further bases for patentability. For example, claim 6 adds to the method of claim 1, “when said user is not within said predetermined distance of said wireless device and said user is logged in to said wireless device, automatically locking said wireless device while keeping said user logged in, wherein a locked wireless device cannot be used by anyone and an unlocked wireless device can be used by a

party that is logged in.” As described previously, the specification of the present application indicates at page 7, lines 14-30, that if a user wearing a wireless body appliance leaves the area (predetermined distance) of a wireless device that he is logged in to, the device will automatically lock but the user will remain logged in. When the user later returns to the area of the device, the device may be unlocked and the user can use the device without having to repeat the automatic log in procedure. Neither Smith nor Kawasaki, either alone or in combination, disclose or suggest such a device locking feature that avoids the repetition of an automatic log in. A similar argument applies to claims 20 and 31.

Claims 13 and 24-27 were rejected under 35 USC § 103(a) as being unpatentable over Smith (U.S. 2003/0025603) as applied to claims 7 and 22, and in further view of Byrne (U.S. 6,424,251).

Claim 13 and claims 24-27 are dependent claims that depend either directly or indirectly from independent claims 15 and 22, respectively. Consequently, these claims are allowable for at least the same reasons as their corresponding base claims. These claims also provide further bases for patentability. For example, claim 13: (a) adds a wireless receiver to the wireless body appliance of claim 12 to receive a wireless notification signal from a wireless device that identifies an event that has occurred and (b) further defines the “at least one notification structure” of claim 12 to include “multiple different notification structures” where the wireless notification signal identifies which type of notification structure is to be used to notify the user of the event. Neither Smith nor Byrne disclose or suggest, either alone or in combination, a notification signal that identifies which of a number of different notification structures are to be used to notify a user wearing a wireless body appliance.

Claim 24 further defines the “one or more events” of claim 22 as being “user selectable from a plurality of available events.” Neither Smith nor Byrne disclose or suggest, either alone or in combination, the ability for a user to select events, from a plurality of available events, that a user will be notified of while wearing a wireless body appliance. Claim 26 further defines “transmitting a wireless notification signal” of claim 25 as including “determining a present location of the wireless device,” “determining whether one or more types of notification have been identified for said present location,” and “configuring said wireless notification signal to provide the identified types of notification within the wireless body appliance when one or more

types of notification have been identified for said present location.” As stated above, neither Smith nor Byrne disclose or suggest, either alone or in combination, a wireless notification signal that identifies which of a number of different notification structures are to be used to notify a user wearing a wireless body appliance.

Claims 32-34 and 36 were rejected under 35 USC § 103(a) as being unpatentable over Smith (U.S. 2003/0025603) in view of Deng et al (U.S. 2003/0043078).

Independent claim 32 is allowable for at least the same reasons as independent claim 15 discussed previously.

Claims 33-34 and 36 are dependent claims that depend either directly or indirectly from independent claim 32. Consequently, these claims are allowable for at least the same reasons as base claim 32. These claims also provide further bases for patentability. For example, amended claim 34 is allowable for similar reasons to claim 19 discussed previously. Also, amended claim 36 is allowable for similar reasons to claim 21 discussed previously.

Claim 35 was rejected under 35 USC § 103(a) as being unpatentable over Smith (U.S. 2003/0025603) in view of Deng et al (U.S. 2003/0043078) as applied to claim 32, and in further view of Kawasaki (U.S. 2004/0046638).

Claim 35 is a dependent claim that depends directly from independent claim 32. Consequently, claim 35 is allowable for at least the same reasons as base claim 32. Claim 35 also provides further basis for patentability. That is, claim 35 is allowable for similar reasons to claim 20 discussed previously.

**AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111**

Serial Number: 10/813,178

Filing Date: March 30, 2004

Title: METHOD AND APPARATUS FOR PROVIDING PROXIMITY BASED AUTHENTICATION, SECURITY, AND NOTIFICATION IN  
A WIRELESS SYSTEM

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**Conclusion**

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (480-948-3745) to facilitate prosecution of this application.

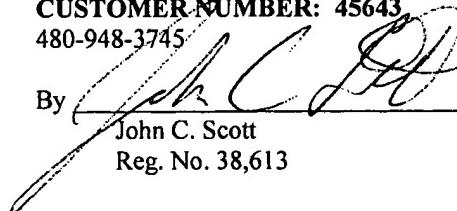
Respectfully submitted,

UTTAM K. SENGUPTA ET AL.

By their Representatives,

**CUSTOMER NUMBER: 45643**

480-948-3745

By   
John C. Scott  
Reg. No. 38,613

Date 4/27/06

**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 28 day of April, 2006.

MEREDITH MESCHER

Name



Signature